

BOARD OF COMMISSIONERS
REGULAR MEETING
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500

APRIL 28, 2008
5:30 P.M. (EDT)

1. INVOCATION

Reverend Dr. Robert A. Strode, St. John AME Church,

PLEDGE OF ALLEGIANCE

John Hammond

ROLL CALL

MINUTES

March 24, 2008 Regular Meeting; April 14, 2008 Work Session; April 17, 2008 Special Work Session

MAYOR'S REPORT

2. CEREMONIAL ITEMS

- 2.1 Recognition of City of Frankfort's Engineering Excellence Awards for Public Works Projects – HMB Engineers.

3. ORDINANCES

- 3.1 **SECOND READING:** An Ordinance to Permit the Solicitation of Charitable Donations on Public Streets or Ways.

Purpose: To permit solicitation of charitable donations on public streets or ways.

Background: At the April 14, 2008 Work Session, the City Solicitor was directed to draft an ordinance for a first reading on April 17, 2008, that permits solicitation of charitable donations on public streets by valid charitable organizations. This ordinance seeks to regulate such solicitations in a manner that ensures the safety of the traveling public, the individuals and entities soliciting the donations, and City employees.

This Ordinance had its first reading on April 17, 2008.

Attachment:

- Ordinance

Contact Person:

Name: Rob Moore
Title: City Solicitor
Department:
Phone: 502/227-2271
Email: rmoores@hazelco.com

- 3.2 **FIRST READING:** An Ordinance Amending The City Of Frankfort Code Of Ordinances, Chapter 151 – Subdivision And Development Plan Regulations - Ordinance No. 41, 2007 Series, Ordinance No. 26, 2007 Series, Ordinance No. 20, 2006 Series, Ordinance No. 23, 2005 Series, And Ordinance No. 3, 2004 Series, Specifically To Amend Section 7.02.03.A.1. Technical Review Team And Section 7.02.04 Construction Review Team As Indicated In The Attachment Of This Ordinance.

Purpose: To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending Article 4, Sections 4.24 Central Business District; Section 4.40 Special Historic Districts; Section 4.41 Special Capital District and amending Article 17 Architectural Review Board of the City of Frankfort's Zoning Ordinance. More specifically, the request is to remove inconsistencies and duplications within Articles; to add mixed use, daycare, and bed and breakfast facilities as a conditional use; and to amend/clarify sections based on previous ARB actions.

Background: The current zoning regulations contain several duplicate sections for the historic zoning districts in Article 4 and other sections that are either difficult to locate, conflict with other sections, or difficult to understand to both staff and the public.

After discussing these items with the ARB chairman, staff drafted amendments to reduce the conflicts of the regulations; clarified sections based on previous ARB actions, and consolidated the duplicated sections and located them within one Article.

On September 26, 2007, the Zoning Update Committee reviewed the proposed text amendments and made suggested changes and additions.

On October 16, 2007, the Architectural Review Board discussed the proposed amendments, made some minor changes, and supported the proposed text to the Zoning Update Committee.

On February 28, 2008, the Zoning Update Committee reviewed the proposed text as amended by the ARB, made four new changes and then recommended the proposed text amendment to be forwarded to the Planning Commission.

On March 13, 2008, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and voted unanimously for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

Recommendation: Approval

Attachment:

- Ordinance
- Staff report submitted to the Planning Commission
- Minutes of the March 13, 2008, Planning Commission meeting

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8500
Email: gmuller@frankfort-ky.gov

3.3 FIRST READING: An Ordinance Amending The City Of Frankfort Code Of Ordinances, Chapter 151 – Subdivision And Development Plan Regulations - Ordinance No. 41, 2007 Series, Ordinance No. 26, 2007 Series, Ordinance No. 20, 2006 Series, Ordinance No. 23, 2005 Series, And Ordinance No. 3, 2004 Series, Specifically To Amend Sections 2.07.03.C And 3.07.03.C Of The Frankfort-Franklin County Subdivision And Development Plan Regulations To Increase The Maximum Height Of Street Lights To 35' For New Non-Residential Roadways, As Indicated In The Attachment Of This Ordinance

Purpose: To amend the City's Subdivision and Development Plan Regulation ordinance by increasing the maximum height of street lights to 35' for new non-residential roadways as recommended by the Joint Frankfort/Franklin County Planning Commission.

Background: On February 16, 2004 the Subdivision and Site plan regulations were adopted. On November 28, 2005 the City of Frankfort adopted the amendments as recommended by the Planning Commission, with the exception to the open space requirements. A joint city/county open space committee was formed to resolve this remaining issue. On September 25, 2006, the City of Frankfort adopted text amendments regarding the open space requirements. On August 27, 2007, the City of Frankfort adopted text amendments regarding the issuance of certificates of occupancy. On December 17, 2007, the City of Frankfort adopted text amendments adding the Subdivision Update Committee as an authorized entity to initiate amendments to the textual provisions of the regulations and amendments to the Urban, Suburban or Rural Area map; to accept the American Association of State Highway and Transportation Officials (AASHTO) road design standards for Thoroughfares and Neighborhood Streets within the Urban, Suburban and Rural development areas; to remove the petition period relating to approval of plats and development plans; to amend the design standards of an emergency vehicle access and the width of the raised median required for driveways that have more than 2 lanes; and to remove conflicting text concerning utilities to be installed in easements and/or rights-of-ways.

On January 31, 2007, the Subdivision Update Committee recommended to increase the maximum height of streetlights to 35' for new non-residential roadways. On April 10, 2008, the Planning Commission unanimously approved the proposed text amendment.

Recommendation: Approval

Attachments:

- Proposed ordinance and text amendments with strikeout and underline text provided.
- Staff Report
- Minutes from the April 10, 2008 meeting (to be provided when completed)

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8500
Email: gmuller@frankfort-ky.gov

4. ORDERS

5. RESOLUTIONS

- 5.1** Resolution Authorizing The Acceptance Of Grant Funds Of \$56,000.00 For The Safe Routes To School Program And Designating The Mayor To Execute All Documents Pertaining To This Grant.

Purpose: The purpose of this item is to consider acceptance of grant funds of \$56,000 for the Safe Routes to School Program through the SAFETEA-LU Federal Reimbursement Agreement and authorizing the Mayor to sign all grant related documents. Adoption of the Resolution will allow the Mayor to sign all administrative documents required to submit and process the grant.

Background: The City of Frankfort applied for Safe Routes to School funds to install a sidewalk for students of Bridgeport Elementary and Bondurant Middle School to walk or bike to school in May of 2007. In November of 2007 the City was notified and informed that our project has been funded. This Resolution will authorize the Mayor to accept funds and sign all grant related documents.

Recommendation: Approval

Financial Analysis: This grant does not require a match.

Attachment:

- Resolution

Contacts:

Name:	Bob Tillett	Rebecca Hall
Title:	Public Works Assistant	Grants Manager
Department:	Public Works	City Manager
Phone:	502/875-8500	502/875-8500
Email:	btillet@frankfort-ky.gov	rhall@Frankfort-ky.gov

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

- 6.1** To authorize purchase of Overhead In-Car Recording Systems from Watch Guard Video. (Police Department)

Purpose: The purpose of this item is to receive authorization to purchase five (5) overhead in-car recording systems from Watch Guard Video at the state contract price of \$5,068 per system for a total purchase price of \$24,400. This price is under State Price Contract No. 758 0700001925 1.

Background: The purchase of in-car recording systems is necessary to maintain the objectives of officer safety and aid in the prosecution of traffic and criminal cases.

The Police Department maintains in-car recording systems in all pursuit vehicles assigned through the levels of Patrol Officer and Sergeant.

Financial Analysis: \$25,000 is budgeted in Equipment Account No. 100.43.56550

Recommendation: Approval

Attachment:

- Contract Details

Contact Person:

Name:	Walter M. Wilhoite
Title:	Chief of Police
Department:	Police
Phone:	502/875-8523
Email:	mwilhoite@frankfort-ky.gov

- 6.2** To authorize donation of four (4) Ford rims to the Franklin County Sheriff's Office (Police Department).

Purpose: The purpose of this item is to consider declaring four (4) Ford rims as surplus property in order to donate to the Franklin County Sheriff's Office.

Background: These rims were on the police pursuit vehicles that have been declared surplus. The Sheriff's Department intent is to mount these rims on their snow tires to enhance their performance during inclement weather.

Financial Analysis: None, rims off vehicles declared surplus.

Recommendation: Approval

Attachment:

- Request from Sheriff Steve Clark, Franklin County Sheriff's Office

Contact Person

Name: Walter M. Wilhoite
Title: Chief of Police
Department: Police
Phone: 502/875-8523
Email: mwilhoite@frankfort-ky.gov

- 6.3** To authorize advertising for bids from providers of police uniforms and uniform accessories (Police Department).

Purpose: The purpose of this item is to request authorization to advertise for bids for providing uniforms and uniform accessories for the Police Department.

Background: Siegel's Uniforms in Evansville, Indiana currently hold the contract and has agreed to extend it until the new budget year. We request specifications be mailed to prospective vendors who provide police uniforms and uniform accessories.

Financial Analysis: Uniforms and accessories are budgeted in Account No. 100.43.54340

Recommendation: Approval

Attachments: None

Contact Person

Name: Walter M. Wilhoite
Title: Chief of Police
Department: Police
Phone: 502/875-8523
Email: mwilhoite@frankfort-ky.gov

- 6.4** To authorize a Sewer Extension Contract with Sky Properties, LLC and Houston Properties, LLC, 88 C. Michael Blvd., Suite 2, Frankfort, Kentucky (Sewer Department).

Purpose: To approve a contract with Sky Properties, LLC and Houston Properties, LLC as owner of Rockwood Condominiums, 1755 Galbraith Road in Frankfort, Franklin County, Kentucky, that is zoned residential development of 120 multi-family units, with improvements including 7 new manholes, 1,092 feet of 8-inch SDR 35 pipe.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

David M. Stockton, Member, Sky Properties, LLC and Houston Properties, LLC signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Recommendation: Approval

Attachment:

- Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director

Department: Sewer
Phone: 502/875-2448
Email: wscalf@Frankfort-KY.gov

- 6.5** To authorize the Mayor to sign a Memorandum of Agreement entitled "Federally Funded Memorandum of Agreement between the Commonwealth of Kentucky Environmental and Public Protection Cabinet Department of Environmental Protection Division of Water and the Farmdale Sanitation District" (Sewer Department)

Purpose: The purpose of this item is to authorize the Mayor to sign a memorandum of agreement entitled "Federally Funded Memorandum of Agreement between the Commonwealth of Kentucky Environmental and Public Protection Cabinet Department of Environmental Protection Division of Water and the Farmdale Sanitation District."

Background: In December 2005 the City of Frankfort and Farmdale Sanitation District entered into an agreement to jointly prepare and fund a revision to the 201 Facilities Plan addressing the Farmdale area. This grant will be used to pay for a portion of this Facilities Plan Update. The Grant will be awarded to Farmdale Sanitation, but the City of Frankfort is required to sign the agreement because the Farmdale area is within the Sewer Department 201 Planning Area.

Financial Analysis: This grant in the amount of \$15,000 will offset the cost to the City of Frankfort and Farmdale Sanitation District for updating the Sewer Department Facilities Plan.

Recommendation: Approval

Attachment:

- Memorandum of Agreement.

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@frankfort-ky.gov

- 6.6** To authorize partial Release of Sewer Easement in favor of Hurst Properties, LLC. (Sewer Department).

Purpose: Authorization to sign a partial Release of Easement releasing a sewer easement in an unnecessary location on the property of Hurst Properties, LLC known as Lot #1 and Addition of Physicians Park. This easement was dedicated by plat based upon projected alignment of the sewer.

Background: Final sewer design does not require this easement; therefore, the easement can be released without adverse impact to the Sewer Department.

Recommendation: Approval

Attachments:

- Easement release with exhibit

Contact Person:

Name:	William R. Scalf, Jr., PE	Robert C. Moore
Title:	Director	City Solicitor
Department:	Sewer	
Phone:	502/875-2448	502/227-2271
E-Mail:	wscalf@frankfort-ky.gov	rmoores@hazelco.com

- 6.7** To authorize bid award for 65 golf carts to Cunningham Golf Carts of Louisville, Kentucky (Parks and Recreation).

Purpose: To authorize bid award for 65 golf carts to Cunningham Golf Carts of Louisville, Kentucky for a cost of \$154,515.

Background: The City solicited and received three bids for 65 new electric golf carts. Bids included trade-in allowance for 65 existing used Club Cars. Cunningham Golf Carts submitted the low bid of \$154,515. Authorization to solicit bids was approved by the Board of Commissioners on February 25, 2008.

Financial Analysis: Funds from Transportation Account (No. 560.00.51100) to be repaid over a forty-eight month period from Account No. 100.79.53295. Funds are currently budgeted and additional funds to be proposed in the Fiscal-Year 2008-2009 budget.

Recommendation: Approval

Attachments:

- Bid Package
- Bid Tabulation and recommendation

Contact Person:

Name: Steve Brooks
Title: Director
Department: Parks, Recreation, and Historic Sites
Phone: 502/875-8575
Email: sbrooks@frankfort-ky.gov

- 6.8** To authorize entering into a contract with Biohabitats, Inc. for engineering design services regarding Cove Springs and Penitentiary Branch – Stream Restoration Project through the Kentucky Department of Fish and Wildlife Resources under Professional Services, and designating the Mayor to execute all documents pertaining to this agreement (Parks and Recreation).

Purpose: The purpose of this item is to authorize the signing of the contract and to authorize the Mayor to enter into an agreement with Biohabitats, Inc. for engineering design services regarding Cove Springs and Penitentiary Branch – Stream Restoration Project through the Kentucky Department of Fish and Wildlife Resources. The amount of the contract is not to exceed \$191,000, which is the estimated cost awarded to the City for design and engineering.

Background: The Kentucky Department of Fish and Wildlife Resources has awarded funding to the City of Frankfort for a Stream Mitigation Project at Cove Springs. A portion of the grant funds must be spent on the design and engineering of the project by a licensed engineer. Biohabitats, Inc. is knowledgeable about stream mitigation and familiar with the project at Cove Springs and with the Purchasing Agent's approval, staff would like to use Professional Services under the City's Purchasing Guidelines to contract with them. The contract for services has been submitted by Biohabitats, Inc. and is being reviewed by Rob Moore, City Attorney.

Financial Analysis: Funds for the contract are available in the Kentucky Fish and Wildlife Resources Stream Mitigation Grant.

Recommendation: Approval

Attachment:

- Scope of Work

Contact Person

Name:	Steve Brooks	Rebecca Hall
Title:	Director	Grants Manager
Department:	Parks/Rec & Historical Sites	City Manager
Phone:	502/352-2029	502/875-8500
Email:	sbrooks@frankfort-ky.gov	rhall@frankfort-ky.gov

- 6.9** To authorize the purchase of five DV-1 Overhead Video In-Car Systems for police cruisers from Watch Guard for \$22,890 under Kentucky State Price Contract No. 758 0700001925 1 under the State Homeland Security grant the City received in February 2008 (Police Department).

Purpose: To request authorization to purchase of five DV-1 Overhead Video In-Car Systems for police cruisers from Watch Guard for \$22,890 under Kentucky State Price Contract No. 758 0700001925 1 under the State Homeland Security the city received in February 2008.

Background: The Frankfort Police Department applied for funding under the Kentucky Homeland Security Grant on February 8, 2008. The application included the purchase of five DV-1 Overhead Video In-Car Systems for police cruisers. The City received word in late February that our application was approved. The Police Department wishes to purchase the systems through Watch Guard, an approved vendor under Kentucky State Price Contract No. 758 07000019251. (Please note, although very similar, this is a separate item from Consent Item 6.1).

Financial Analysis: There is no match requirement from the City.

Recommendation: Approval

Attachments:

- Copy of Purchase Order

Contact Person:

Name:	Chief Mark Wilhoite	Rebecca Hall
Title:	Chief of Police	Grants Manager
Department:	Police Department.	City Manager
Phone:	502/352-2042	502/875-8500
Email:	mwilhoite@frankfort-ky.gov	rhall@frankfort-ky.gov

- 6.10** To authorize approval of the lowest bid for demolition of 405 Owenton Avenue and to execute the Memorandum of Agreement (Planning and Building Codes).

Purpose: In accordance with the Property Maintenance Code, Section 109.1, the City ordered the property owner of 405 Owenton Avenue to repair or raze the condemned building within thirty days or the City would raze the building and charge the costs incurred to the real estate that remains. The property was properly noticed in accordance with the Property Maintenance Code.

Background: A notice to raze the structure was sent to the owner at the last known address, on January 24, 2008, via certified letter, first class letter and the property was also posted with the same notice. The owner has not contacted our department but has received the certified notice on of violation to raze the structure and place a lien on the property if not paid.

Quotes were requested from vendors, one responded. Mr. John Feshal, Jr. was the lowest bidder at \$6,900, and no bids were received from Mr. Ray Williams or Mr. Clifton Weber.

Financial Analysis: The Planning and Building Codes Department has budgeted \$38,100 for demolitions and nuisance abatement. As of date we have approximately \$5,400 remaining. Upon approval of this bid and Memorandum of Agreement, the remaining budgeted amount for demolitions and nuisance abatement will be approximately \$0.00. Therefore, \$5,400 is to come out of Account No. 100.70.53295. The balance of \$1,500 can be provided under the professional service Account No.100.70.53265.

Recommendation: Approval

Attachments:

- Bid received
- Recent photo of property
- Draft Memorandum of Agreement.

Contact Person

Name:	Gary Muller	Robert Engle
Title:	Director	Code Enforcement Supervisor
Department:	Planning and Building Codes	Planning and Building Codes
Phone:	502/875-8500	502/875-8500
Email:	gmuller@frankfort-ky.gov	rengle@frankfort-ky.gov

- 6.11** To authorize approval of the lowest bid for demolition of 311 W. Third Street and to execute the Memorandum of Agreement (Planning and Building Codes).

Purpose: In accordance with the Property Maintenance Code, Section 109.1, the City ordered the property owner of 311 W. Third Street to repair or raze the condemned buildings within thirty days or the City would raze the building and charge the costs incurred to the real estate that remains. The property was properly noticed in accordance with the Property Maintenance Code.

Background: A notice to raze the three structures was sent to the owner at the last known address, on January 11, 2008, via certified letter, first class letter and the property was also posted with the same notice. The owner has not contacted our department but has received the certified notice on of violation to raze the structure and place a lien on the property if not paid.

Quotes were requested from 4 vendors, two responded. River City Commercial Services was the lowest bidder at \$21,800 and Mr. John Feshal, Jr. bid was at \$24,994. No bid was received from Mr. Ray Williams or Weber Excavating.

A petition has also been received from 12 citizens of south Frankfort.

Financial Analysis: The Planning and Building Codes Department has budgeted \$38,100 for demolitions and nuisance abatement. As of date we have \$0.00 remaining. Upon approval of this bid and Memorandum of Agreement, \$4,000 can be provided under the Planning Department's Professional Service Account No. 100.70.53265, while the remaining balance of \$17,800 needs to come from Council Contingency Account No. 100.00.22061.

Recommendation: Approval

Attachments:

- Bids received
- Recent photos of property
- Draft Memorandum of Agreement.
- Citizen petition

Contact Persons

Name:	Gary Muller	Robert Engle
Title:	Director	Code Enforcement Supervisor
Department:	Planning and Building Codes	Planning and Building Codes
Phone:	502/875-8500	502/875-8500
Email:	gmuller@frankfort-ky.gov	rengle@frankfort-ky.gov

- 6.12** To authorize the filing of a grant agreement between the City of Frankfort and the Governor's Office of Energy Policy for the addition of solar water heaters at Fire Stations No. 1 (315 W. Second Street) and No. 4 (900 E. Main Street) and designate the Mayor to execute all grant documents pertaining to this application (Fire Department and Grants Manager).

Purpose: To authorize the filing of a grant agreement between the City of Frankfort and the Governor's Office of Energy Policy for the addition of solar water heaters at Fire Stations 1 and 4 and designating the Mayor to execute all grant documents pertaining to this application.

Background: In its 2007 report, Frankfort's Energy Task Force recommended that the City investigate opportunities for using renewable energy on its own facilities. The Governor's Office of Energy Policy has indicated a willingness to provide financial assistance for the project as part of a public demonstration of solar hot water technology. The grant amount is estimated to be \$8,500.00. Cost of installing both water heaters and monitoring system performance is estimated to be \$20,500.00, requiring the city to pay the balance of approximately \$12,000.00.

Financial Analysis: The City's match will be approximately \$12,000, available in Account No. 100.95.53295.

Recommendation: Approval

Attachment:

- Project Description

Contact:

Name:	John Unger	Rebecca Hall
Title:	Assistant Chief	Grants Manager
Department:	Fire	City Manager
Phone:	502/875-8532	502/875-8500
E-Mail:	Junger@Frankfort-ky.gov	Rhall@Frankfort-ky.gov

- 6.13** To authorize funding of the transfer of current E911 premise equipment to the new Public Safety Building and to add new equipment and software licensing for two additional Dispatch positions (Communications).

Purpose: Request approval to fund the transfer of current E911 premise equipment to the new Public Safety Building and to add new equipment and software licensing for two additional Dispatch positions.

Background: The E911 telephone/radio controllers and computers located in the current Dispatch Center will need to be relocated and established in the new structure. The vendor that originally provided and currently maintains this equipment would be responsible for this requirement. Additionally, the E911 Dispatch Center will require equipment and software licenses for two additional work stations.

Financial Analysis: The total cost to complete the transition and expansion is \$124,765.00, to be paid with E911 funds (Account No. 590.00.51100).

Recommendation: Approval

Attachment:

- Radio Communications Service Quote

Contact Person:

Name:	Daryl S. Hensley
Title:	Director
Department:	E911 Communications
Phone:	502/875-8582

Email: dhensley@frankfort-ky.gov

- 6.14** To authorize entering into an agreement regarding Ground Lease between the City of Frankfort and Global Tower, LLC (City Attorney).

Purpose: To obtain approval to enter into an agreement regarding Ground Lease between the City of Frankfort and Global Tower, LLC.

Background: The City of Frankfort leased property at its East Frankfort Fire Station to Alaska Native Broadband in order to erect a telecommunications antenna. Alaska Native Broadband then assigned its Lease and the tower to Global Tower, LLC. Global Tower, LLC requests the City to enter into this Ground Lease indicating that the City consents to Global Tower LLC's acquisition of the Lease and that the Lease is in effect with no defaults. Global Tower, LLC is required to pay the City rent in the amount of \$16,800 per year.

Financial Analysis: Global Tower, LLC will pay rent to the City in the amount of \$16,800 per year.

Recommendation: Approval

Attachments: None

Contact Person:

Name: Robert C. Moore
Title: City Attorney
Department:
Phone: 502/227-2271
Email: rmoore@hazelcox.com

- 6.15** To authorize the Mayor to sign a Contract with Kentucky State University (KSU) allowing use of excess equipment at the Wastewater Treatment Plant (WWTP) for use by the KSU Aquaculture Research Center (ARC) (Sewer Department).

Purpose: The purpose of this item is to authorize the Mayor to sign a contract with KSU to allow the ARC to utilize excess equipment at the WWTP for an experimental program to grow fish fry and harvest juvenile fish. Additionally, the ARC will harvest daphnia from the plant clarifiers to be used as a food source for the fish.

Background: KSU has utilized excess equipment for the past two (2) years successfully and this will be a continuation of this program. This program has received national recognition in the reuse of treated wastewater and will be presented at the Water Professionals Conference in July 2008 in Knoxville.

The contract has a one-year duration. This is the same arrangement that was negotiated the previous two years.

Financial Analysis: KSU will pay the City an amount of \$1,000 this year to offset the cost of utilities to operate the tanks and other miscellaneous costs.

Recommendation: Approval

Attachment:

- Contract

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer

Phone: 502/875-2448
Email: wscalf@frankfort-ky.gov

- 6.16** To authorize the Mayor to sign a Contract with Aquila International, Inc. (Aquila) allowing use of excess equipment at the Wastewater Treatment Plant (WWTP) (Sewer Department).

Purpose: The purpose of this item is to authorize the Mayor to sign a contract with Aquila to allow them to utilize excess equipment at the WWTP for a program to grow fish fry and harvest juvenile fish. Additionally, Aquila will harvest daphnia from the plant clarifiers to be used as a food source for the fish.

Background: This is an extension of the agreement that we have with KSU. Aquila will take the fish from the WWTP and distribute them to water bodies across the state for future harvesting in conjunction with the KSU program.

The contract has a one-year duration. This is the same arrangement that was negotiated with KSU the previous two years.

Financial Analysis: Aquila will pay the City an amount of \$1,500 this year to offset the cost of utilities to operate the tanks and other miscellaneous costs.

Recommendation: Approval

Attachment:

- Contract

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@frankfort-ky.gov

- 6.17** To authorize an application for Federal Highway Traffic Safety Grant funds and authorizing the Mayor to sign all grant-related documents (Police Department).

Purpose: The purpose of this item is to authorize filing an application for Federal Highway Traffic Safety Grant funding, part of the Governor's Highway Safety Program.

Background: The mission of this grant is to plan and execute a comprehensive traffic safety program to reduce the number of fatalities and injuries on Kentucky's roadways, utilizing present and potential resources on the local, state and national levels. The Governor's Highway Safety Program coordinates highway safety programs focused on public outreach and education, enforcement, promotion of new safety technology, integration of public health strategies and techniques, advocacy for traffic safety issues, and collaboration with state and local governments.

Financial Analysis: The Police Department will be reimbursed for manpower overtime and use of equipment while participating in this program. Total request for 2009 not to exceed \$150,000.00.

Recommendation: None

Attachments: None

Contact Persons

Name:	Chief Walter M. Wilhoite	Rebecca A. Hall
Title:	Chief	Grants Manager
Department:	Police	City Manager

Phone: 502/875-8500 502/875-8500
Email: mwilhoite@frankfort-ky.gov rhall@frankfort-ky.gov

- 6.18** To authorize granting a private lateral easement to Anna Cox and Michael T. Greenwell, 721 Brawner Avenue, Frankfort, Kentucky across the city-owned lots located at 722 Wilson Street and 723-725 Major Street (Sewer Department).

Purpose: The purpose of this item is to consider granting a private lateral easement to Anna Cox and Michael T. Greenwell, 721 Brawner Avenue, Frankfort, Kentucky across the city-owned lots located at 722 Wilson Street and 723-725 Major Street as shown on Attachment A.

Background: The property located at 721 Brawner had a backflow valve installed several years ago, but due to circumstances has not worked properly. Granting of this easement will allow the property owners to reroute the lateral to a new location, which should solve the problems associated with sewer backups on their property.

The City properties are vacant lots located in the flood plain and cannot be built on; granting of this easement will not impact the properties.

Recommendation: Approval

Attachments: Sewer Easement

Contact Person

Name:	William R. Scalf, Jr., PE	Robert C. Moore
Title:	Director	City Attorney
Department:	Sewer	
Phone:	502/875-2448	502/227-2271
Email:	wscalf@frankfort-ky.gov	rmoore@hazelcox.com

- 6.19** To authorize a Sewer Extension Contract with M&W, LLC, Frankfort, Kentucky (Sewer Department).

Purpose: To approve a contract with M&W, LLC to be the owner of the Restaurant & Retail Center Parcels K-1, L-1, K-2, and L-2 located at 141 Jett Boulevard in Frankfort, Franklin County, Kentucky which is zoned for commercial development of one lot, with improvements including 2 new manholes, 221 feet of 8-inch SDR 35 pipe.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Patrick Madden, as Member of M&W, LLC, a Kentucky limited liability company, signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Financial Analysis: Not applicable

Recommendation: Approval

Attachment:

- Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.

Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@Frankfort-KY.gov

- 6.20** To authorize a sewer Extension Contract with Capital Day School Corporation, Frankfort, Kentucky (Sewer Department).

Purpose: To approve a contract with Capital Day School Corporation as owner of Capital Day School located on Sower Boulevard in Frankfort, Franklin County, Kentucky which is zoned for commercial development of one lot, with improvements including 1 duplex, 4R Myers private pump station and 1,800 feet of 4-inch private force main.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

Barbara Stone, Vice President of Capital Day School Corporation, signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Financial Analysis: Not applicable

Recommendation: Approval

Attachment:

- Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@Frankfort-KY.gov

- 6.21** To award a bid to Cardinal Office Systems for a window shading system for the Public Safety Building (City Manager).

Purpose: To award a bid to Cardinal Office Systems for a window shading system for the Public Safety Building.

Background: At the March 13th Board of Commissioners Work Session, Mr. Keith Reeves, ADG, Inc., reported that the bids for window shading for the Public Safety Building would be forthcoming for approval.

From that effort, Cardinal Office Systems was the low bidder at \$33,175. This amount is within the furniture allowance allocated in the project's budget.

Recommendation:

Financial Analysis: Funds are available from bond issue proceeds.

Attachments:

- Letter of recommendation from Keith Reeves
- Bids

Contact Person

Name: Tony Massey
Title: City Manager
Department: City Manager
Phone: 502/875-8500
Email: Amassey@frankfort-ky.gov

- 6.22** To authorize Change Order No. 2 to James W. Fowler Company to construct a 48" Storm Sewer by Micro tunneling Project – Contract III-1A (Sewer Department and Public Works).

Purpose: The purpose of this item is to approve Change Order No.2 with James W. Fowler Co. for the construction of Contract III-1A of the Holmes Street Sewer Separation Project

Background: The City of Frankfort awarded Contract III-1A of the Holmes Street Sewer Separation Project in May 2007 to James W. Fowler Company. The original contract consisted of 1410' of 48" diameter storm sewer by micro-tunneling. The City approved Change Order No. 1 which added 600 LF of 48" diameter storm sewer by micro tunneling in September 2007. Substantial completion for the project was 3/3/08 and the construction was completed in accordance with the approved plans. Change Order #2 consists of project deducts for actual field measured quantities and a deduct for omitting all surface and utility monitoring points.

Original Contract amount:	\$2,541,560.00
Change Order #1	\$ 899,000.00
Change Order #2	<u>\$ -116,170.80</u>
New Contract Price	\$3,324,389.20

The project is part of a multi-pronged solution to address sewer separation within the Holmes Street Corridor. The micro tunneling project tied into to the East Main Outlet Structure and drains stormwater to the Kentucky River. The remaining phases of the Holmes Street Project will separate the existing combined sewers system within the corridor.

Financial Analysis: Change Order #2 is a reduction of \$116,170.80 to the contract price.

Recommendation: Approval

Attachment:

- Change Order No.2

Contact Persons

Name:	Jeff Hackbart	William R. Scalf, Jr., PE
Title:	Director	Director
Department:	Public Works	Sewer
Phone:	502/875-8500	805/875-2448
Email:	jhackbart@frankfort-ky.gov	wscalf@frankfort-ky.gov

- 6.23** To authorize the filing of an application for a 2008 Urban and Community Forestry Grant and to authorize the Mayor to sign all grant-related documents (Parks and Recreation).

Purpose: Requesting authorization to apply for a 2008 Urban and Community Forestry Grant to update the Urban Forestry Management Plan for the city and to update the city's Tree Ordinance.

Background: In 1997, the city received an Urban and Community Forestry grant to create a tree ordinance that established an Urban Forestry Advisory Board and called for carrying out an Urban Forestry program. In 1998, The Urban Forestry Advisory Board received an additional Urban and Community Forestry Grant to write a Management Plan outlining how the Urban Forestry program would

be carried out. Both of these documents are at least in part obsolete. Many changes and initiatives have occurred, tree inventory data have been collected, and a staff person has been hired. Now, it is important to update the ordinance and management plan to address the many new issues and guide future management activities. The grant request would be as follows:

Grant Request	\$ 8,000.00
Local Match	
Cash	\$ 5,000.00
In-Kind	\$ 3,000.00
Total Project Cost	\$16,000.00

Financial Analysis: City match for the grant would be a \$5,000.00 cash match, which is available in the Cove Springs (640) account and \$3,000.00 of in-kind labor provided by staff and Urban Forestry Advisory Board members.

Recommendation: Approval

Attachments: None

Contact Persons:

Name:	Andrew Cammack	Rebecca Hall
Title:	City Arborist	Grants Manager
Department:	Parks & Rec.	City Manager
Phone:	502/875-8575	502/875-8500
Email:	acammack@fewpb.net	rhall@frankfort-ky.gov

- 6.24** To authorize approval of a 90-day option to purchase contract with Steven R. Graves for lot 5D, Flynn Avenue in the Carpenter Farm (City Solicitor).

Purpose: To approve an option agreement granting Steven R. Graves the right to purchase lot 5D, Flynn Avenue in the Carpenter Farm for the amount of \$288,700. The payment for the option is \$2,500 and it is for a period of 90 days. The purchase price is the price recommended by Lane Consultants as confirmed by Integra Realty Resources, Inc.

Background: To approve an option agreement granting Steven R. Graves the right to purchase lot 5D, Flynn Avenue in the Carpenter Farm for the amount of \$288,700. The payment for the option is \$2,500 and it is for a period of 90 days. The purchase price is the price recommended by Lane Consultants as confirmed by Integra Realty Resources, Inc.

Financial Analysis: The option will be granted for \$2,500. Purchase price of the property is \$288,700.

Recommendation: Approval

Attachment:

- Option Agreement

Contact Person

Name:	Rob Moore
Title:	City Solicitor
Department:	
Phone:	502/227-2271
Email:	rmoores@hazelcox.com

- 6.25** To approve an agreement regarding the Deed of Conveyance between the City of Frankfort and Moss and Lollis (City Solicitor and Sewer Department).

Purpose: To purchase the property owned by Moss and Lollis at the corner of Schenkel Lane and the Wilkinson Street Bypass in order to have access to its sewer line in the Schenkel cave for maintenance and construction purposes.

Background: The City needs to purchase the property owned by Moss and Lollis at the corner of Schenkel Lane and the Wilkinson Street Bypass in order to have access to its sewer line in the Schenkel cave for maintenance and construction purposes. Due to the proposed location of the access easement on the property, the property cannot be developed. The purchase of the property by the City has been negotiated based upon the appraised value of the property as determined by Integra Realty Resources, Inc. The purchase price of the property is \$67,200.00.

Financial Analysis: The fiscal impact to the City is \$67,200.00; however, by purchasing the property at this time, the City will be able to avoid the attorneys' fees and costs that would have been incurred in the condemnation action. Funds are available in Account No. 300.68.56550 (Sewer Replacement Fund).

Recommendation: Approval

Attachment:

- Deed of Conveyance

Contact Persons

Name:	Rob Moore	Bill Scalf
Title:	City Solicitor	Director
Department:		Sewer
Phone:	502/227-2271	502/875-2448
Email:	rmoores@hazelco.com	wscalf@frankfort-ky.gov

6.26	<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
	Appointment	Joshua L. Clark	Communications	4-29-08	Telecommunicator
		Harold F. Moore	Finance	4-29-08	Administrative Specialist
		Marshall T. Robinson	Planning	5-27-08	Staff Planner II
	Confirmation	David M. Ingle	Police	3-13-08	Patrol Officer I
		Kenneth Keith	Police	4-24-08	Patrol Officer I
	Retirement	Ronnie Downey	Public Works	4-30-08	Garage Superintendent; authorize payment of all accrued time as of effective date.

Attachment:

- Ronnie Downey retirement letter

Contact Person

Name:	John Morrow
Title:	Director
Department:	Human Resources
Phone:	502/875-8500
Email:	jmorrow@frankfort-ky.gov

7. BOARD APPOINTMENTS

7.1 Board of Parks Commissioners:

- Kristopher Shera – Reappointment, four-year term ending 5-1-2012
- Rodney T. Gross, III –Reappointment, four-year term ending 5-2-2012

7.2 Board of Zoning Adjustment:

- Michael Turner – Appointment, vacant term ending 7-1-10

7.3 Forestry Advisory Board:

- Rebecca Bishop – Reappointment, three-year term ending 5-8-11
- Kim Cowherd – Reappointment, three-year term ending 5-8-11
- Marie Alagia Cull – Reappointment, three-year term ending 5-8-11
- Paula Murphy – Reappointment, three-year term ending 5-8-11

Attachments:

- Letters of recommendation from Mayor May
- Resume – Kristopher Shera
- Resume – Rodney T. Gross, III (to be provided)
- Resume – Michael Turner
- Resume - Rebecca Bishop
- Resume - Kim Cowherd
- Resume - Marie Alagia Cull (to be provided)
- Resume - Paula Murphy

8. OLD BUSINESS

9. NEW BUSINESS

- 9.1** To authorize a lease agreement for the Paul Sawyer Library Building to Good Shepherd School through June 17, 2008 (Public Works).

Purpose: The purpose of this item is to authorize a lease agreement for the Paul Sawyer Library Building to Good Shepherd School through June 17, 2008.

Background: Good Shepherd School contacted the City of Frankfort and requested that the City consider letting the school use the old Paul Sawyer Library building. The school recently closed their gymnasium due to a structural problem. The School's Principal, Jeff Stamper, requests that the City consider a short-term lease of the Paul Sawyer Library to accommodate planned school activities. The School will be responsible for cleaning the building and indemnifying the City during the term of the lease. The School understands that the old library building does not have air conditioning and the elevator has been turned off.

Financial Analysis: The school shall pay the city \$50.00/month for the two month period.

Recommendation: Approval

Attachment:

- Letter from Jeff Stamper
- Lease Agreement

Contact Person

Name:	Jeff Hackbart	Robert C. Moore
Title:	Director	City Solicitor
Department:	Public Works	
Phone:	502/875-8500	502/227-2271
Email:	jhackbrt@frankfort-ky.gov	rmoores@hazelcoxon.com

- 9.2** To authorize a contract award and enter into an agreement with Geoffrey B. Greenawalt for Legal Services relating to the HOME Holmes Street Rehabilitation Project (Grants Manager).

Purpose: The purpose of this item is to authorize the signing of the contract and to authorize the Mayor to enter into an agreement with Geoffrey Greenawalt to provide Legal Services for the HOME Holmes Street Rehabilitation Project for the City for the amount not to exceed \$5,000.00.

Background: HOME Consultant Kriss Lowry and Associates, Inc. received bids for Legal Services for the Holmes Street Project and Geoffrey B. Greenawalt had the winning bid.

The contract for services has been submitted to Rob Moore, City Solicitor, for review.

Financial Analysis: A portion of the funds for the contract are available in the HOME funding from the Kentucky Housing Corporation; the remainder will be used from General Fund Accounts 625 (Revolving Loan Fund), 550 (Frankfort Rental Rehab) and/or 540 (Frankfort Housing Corporation) as approved by the Commission at the September 24, 2007 regular meeting.

Recommendation: Approval

Attachments:

- Copy of Agreement
- Bid Analysis

Contact Persons

Name:	Rebecca Hall	Rob Moore
Title:	Grants Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
Email:	rhall@frankfort-ky.gov	rmoore@hazelcox.com

- 9.3** To grant authorization to award a contract and enter into an agreement with Environmental Concerns, Inc. to conduct Asbestos Inspections for the HOME Holmes Street Rehabilitation Project (Grants Manager).

Purpose: The purpose of this item is to authorize the signing of the contract and to authorize the Mayor to enter into an agreement with Environmental Concerns, Inc. to provide Asbestos Inspections for the HOME Holmes Street Rehabilitation Project for the City for the amount not to exceed \$5,000.00.

Background: HOME Consultant Kriss Lowry and Associates, Inc. received bids for Asbestos Inspection for the Holmes Street Project and Environmental Concerns, Inc. had the winning bid. The contract for services has been submitted to Rob Moore, City Attorney for review.

Financial Analysis: A portion of the funds for the contract are available in the HOME funding from the Kentucky Housing Corporation; the remainder will be used from General Fund Accounts 625 (Revolving Loan Fund), 550 (Frankfort Rental Rehab) and/or 540 (Frankfort Housing Corporation) as approved by the Commission at the September 24, 2007 regular meeting.

Recommendation: Approval

Attachments:

- Agreement
- Bid Analysis

Contact Persons

Name:	Rebecca Hall	Rob Moore
Title:	Grants Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
Email:	rhall@frankfort-ky.gov	rmoore@hazelcox.com

- 9.4** To grant authorization to award a contract and enter into an agreement with Carroll Engineering to conduct Land Surveying for the HOME Holmes Street Rehabilitation Project.

Purpose: The purpose of this item is to authorize the signing of the contract and to authorize the Mayor to enter into an agreement with Carroll Engineering to conduct Land Surveying for the HOME Holmes Street Rehabilitation Project for the City for the amount not to exceed \$10,000.00.

Background: HOME Consultant Kriss Lowry and Associates, Inc. received bids for Land Surveying for the Holmes Street Project and Carroll Engineering had the winning bid. The contract for services has been submitted to Rob Moore, City Attorney for review.

Financial Analysis: A portion of the funds for the contract are available in the HOME funding from the Kentucky Housing Corporation; the remainder will be used from General Fund Accounts 625 (Revolving Loan Fund), 550 (Frankfort Rental Rehab) and/or 540 (Frankfort Housing Corporation) as approved by the Commission at the September 24, 2007 regular meeting.

Recommendation: Approval

Attachments:

- Copy of Agreement
- Bid Analysis

Contact Persons

Name:	Rebecca Hall	Rob Moore
Title:	Grants Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
Email:	rhall@frankfort-ky.gov	rmoores@hazelcoxon.com

10. CITIZEN COMMENTS

11. COMMISSIONER COMMENTS

12. ADJOURNMENT